App. F. IX-4

1930.

File No. 14-30

Previous References

Serial Nos. 1-4

Later References

General and Revenue Secretariat.

Serial Nos. 4

Part B for March 1931

SUBJECT.

Archakship of the Sri Venkataramana Swami temple, Komatipet, Bangalore city in Misc Appeal No 421 of 27-28.

No 2061 dated 18.3.31

To the Misc. Comr

The Appeal is rejected

General and Revenue Secretariat | Mug File No. 14 of 1930-31

Serial No.

Appeal petition dated 1.7.30 from Archak, Venkataramana char of the Sri Venkataramana Swami temple Komatipet Bangalore. appeal against the Mug. Comm's order in regard to Archakship of the above-mentioned temple.

The appeal is in time and sufficiently Stamped. Records may be called for from the Mug. Comm.

U. Kind reference is invited to the notes in the file. front up below. Mug. 69-27-7 The petition preferred by the party in Aug: 1927 against the Mug. Comm's order was sent to him with the direction that final orders may be passed by him, leaving the aggrieved parties to approach Govt. for redress. Now that the party hears come up to Govt. for relief. the case can be

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

App. F. III—2]

General and Revenue Secretariat | Muz File No. 14 of 1930-31

Serial No.	
	heard by Govt:
	3) Draft calling for records is also sent up for kind consideration.
814/917	For perusal before issue.
	8/7
	H. Secy)
	9.7.30.
	9/7
	Issue
	[illegible]
2.	To The Muz Comr no 179 of 23.7.30. Forwards the petn in sl and calls for a report with records
	GHS
	GENL. & REV. SECRETARIAT. 26 JUL 1930 MUZRAI.
3	Letter no: 148/30-31 dated 13/15.8.30 From the Muz Comr. in Mysore Forwards the entire records connected with the case recd called for.
	This Appeal is about the archakship of Sri Venkataramana Swami Temple Komaravalli
	The appellant Venkataramanachar and the respondent Ramachar happen to be close relatives and their relationship can be best understood from the

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

Revenue
ariat

Mug. File No. of 1926

Serial No.

Genealogical tree

1 The facts of the case are as detailed in the Mug. Comm'r's order dated 31.3.27 and all the relevant records are flagged.

2 The case may be posted for hearing on a date to be fixed by the Member.

submitted for kind orders

22/8 (Fl. Secy)

25.8.31

(1st Member) h

4/9

3046 10.9

OFFICE OF THE FIRST MEMBER COUNCIL 5 SEPT. 1930 No. 2383

2486 26/8

9 Parties present. May require some more time for a private settlement. will be taken up on another date

CSR 4/Sept.

OFFICE OF THE THIRD MEMBER COUNCIL 9 JAN. 1931 No. 336

10 Orders are solicited as to the date which the case may be posted to hear the settlement if any arrived at by the parties.

9 Jan 1931 (1st Member)

21.11.30

OFFICE OF THE THIRD MEMBER COUNCIL 21 NOV. 1930 No. 5209

Member's orders
May be posted for hearing at 2.30 p.m. on Saturday the 13th Dec 1930.

OFFICE OF THE FIRST MEMBER COUNCIL DEC 1930 No. 5614

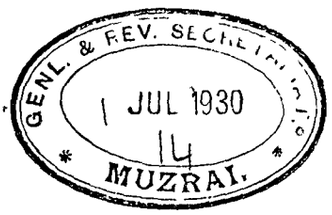
12 May be posted for hearing at 2.30 p.m. on Saturday the 13th December 1930 before the undersigned who will be in charge of the office on that day.

24/11

WD 01684—GPB—30,000—20-4-29

Serial No.	
14	Case heard on 14.3.31. Mr. Srinivasa Rau for the respondents and Mr. Narayana Rau for the appellant were present: ~~The appellant himself & one of the respondents~~ - Mr. Subbarao and Ramachar Chetty were also present. order ---------- "There are no reasons to interfere with the orders passed by the Inam Commr. The appeal is rejected" 14-3-31
4	Memo 2061 of 1873/31 to the Inam Commissioner forwarding copy of the appeal order of 14.3.31 Memos nos ~~2061~~, 2062-3 of 1873/31 to Messrs M. Narayana Rao & M. Srinivasa Rao

Note—Contn. Sheet



Before The Government Of His Highness The

Maharaja of Mysore, BANGALORE.

Muz A 4-30-1-

Archak Venkataramanachar of the Sri Venkataramanaswami Temple, Komatipet, Bangalore City. — Appellant.

-vs-

1. Ramachar, Gumastha Archak of the aforesaid Temple,

2. Mr. K. Subbarayasetty, B.A., LL.B., Advocate and other devotees of the said Sri Venkataramanaswami Temple. — Respondents.

The appellant aforesaid begs to appeal to this Hon'ble Court from the decision in Dis.234 of 29-30 dated the 2nd April 1930 on the file of the Revenue Commissioner in Mysore, Government in their order dated 28-11-1929 passed on appellant's appeal from R.Dis.No.145 of 26-27 on the file of the Revenue Commissioner in Mysore, having been pleased to direct in remanding the said appeal, that the party aggrieved by the final order to be passed by the Revenue Commissioner in the case may come up to them again should need arise, the grounds of the present appeal being as follows:-

1 The lower Court is in error in altogether and summarily brushing aside all the previ-

previous orders passed in the case and in-- holding that in the circumstances sufficient reason is made out to wrest from the appellant his admitted right to the office in question.

2. The lower Court is in error in holding, as it apparently does, that the appellant did not exercise due diligence in getting the order of 1907 executed and that he waived his rights thereunder. The records in the case - amply and ~~on the other hand~~ indubitably prove the contrary.

3. The lower Court ought to have noticed that the deprivation of the appellant's - huk in the manner suggested works as extreme hardship and injustice to him and in effect - has the effect of conferring on the first respondent what he could not in law have got and is in terms opposed to the order dated 5-9-13 and others already passed and conclusive in - the case.

4. The lower Court ought to have held ~~XXXX~~ that consistent with the equities and circumstances if any, ~~XXX~~ that are and arise in the first respondent's favour and with the opinion of the devotees it was quite possible for ~~him~~ to him upon an arrangement more equitable and suited to all the parties concerned and also to continue and confirm the appellant's & his family's huk to the office.

5. The lower Court ought to have held that under the present device the appellant's interests are entirely and needlessly and unjustly annihilated.

6. The lower Court ought to have held that its conclusions are not justified inasmuch as there is nothing alleged against the appellant's competence, character or capacity.

7. The lower Court erred in invoking - jurisdiction under Section 36 of the Muzrai - Regulation.

8. The lower Court ought to have held that it was ~~not~~ unnatural justice that in redress of supposed hardship in the case of Archak - Ramachar, equivalent or greater hardship is done to the appellant and that the equities ~~referred to~~ in the ~~case~~ are opposed to law and to other equities.

9. The lower Court is also in error in fixing the compensation payable to the appellant at Rs.500/- The same should represent the - capitalised value of the annual income of Rupees Six Hundred.

10. The lower Court erred in accepting a faulty criterion to determine the law.

Bangalore,
1-7-1930.

Appellant.

Advocate for appellant.

the Court of the Muzrai Commissioner in Mysore

Dated Bangalore 2nd April 1930

Muzrai Appeal C.N°. 421 of 1927-28.

Appellants:-

M.Y. K. Subbarayaya Setty B.A.,L.L.B., Advocate and other devotees of the Sri Venkataramanaswami temple at Komatipet, Bangalore City.

M.Y. Shroff Gopala Setty Convenor and other Dharmadarsis of the Sri Adinarayanaswami temple at Nagartapet, Bangalore City and anchak Ramachar.

Respondent:-

Archak Venkataramanachar.

Subject

Archakship of the temples of Sri Venkataramanaswami at Komatipet and Sri Adinarayanaswami at Nagarthapet, Bangalore City

Facts of the case

The facts of the case will be clear from this Office order passed in R. Dis N°. 149/26-27 Dated 31st March 1927 requesting the Deputy Commissioner among other matters to make enquiries as to the

M/6/6

total number of devotees of the temple, the number of those who are in favor the appointment Ramachar and that of those in favor of Venkataramanac and in case the majority are against Venkataramaniachar who will be responsible to pay compensation to him for the loss of office.

On passing of the above order anchak Venkataramanachar appealed to Government and on a report with records submitted with this office letter of the 6th January 1928 and 30th October 1928, Government in their order of the 28th November 1929 directed that final orders in the case may be passed, leaving the aggrieved party to come up to Government in appeal if required thereafter.

The Deputy Commissioner reports that from enquiries made by the Amildar who visited the temples, and it is ascertained that out of 153 devotees also conferred with the devotees of the Sri Venkataramanaswami temple at Komatipet almost all the devotees are not agreeable to have Venkataramanachar as their anchak and that as regards Compensation they are not agreeable to pay any recurring annual compensation but they are prepared

As regards the temple of Sri Adinarayanaswami it is reported that the devotees through their representatives have given a final declaration expressing their willingness to have Venkataramanachar as their archak and that they are not prepared to pay compensation to the karanavardar and have a separate archak.

Order D, Dis 234/29-30.
Dated 2-4-1930.

The case was heard on 17th January 1930 when the parties with their respective advocates were present.

As far as the Sri Adinarayana-swami temple is concerned the devotees have agreed to the continuance of Venkataramanachar.

As regards the Sri Venkataramanaswami temple in Konakipet the compensation offered does not seem to be adequate. If a sum of Rs 500/- is paid, then the question of extinguishing Venkataramanachar's right may be considered.

Sd/ P. G. D'Souza.
Inspecting Commissioner in Ellore

"Copy"

Majanan
Manager 6/6/30
Inam Commissioner's Office.

Copy applied for by Venkataramanachar
on 23-5-30
Copy ready on 6.6.30
Copy delivered on
No. of words 420
Copying fees. 0-10-0
Comparing fees 0-2-6
Pattey cost- 0-0-3
} 0-12-9.
Copied by S. Jagannadha Rao
Compared by A. Venkataramani

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE
NO.
DATE
BANGALORE

In the Court of the Muzrai Commissioner in Mysore

Muz: Appeal No. 19 of 1926-27.

Order of the Muzrai Commissioner in Mysore.

Reference:-

Appeal petition No. 19 of 25-26 dated the 17th June 1926 of Mr. K. Subbarayasetty and 9 others on behalf of the Vysyas of Bangalore city who are the Bhaktas of the Sri Venkataramanaswami temple, Doddpet (Tirumalipet) Bangalore City, protesting against the order of the Deputy Commissioner, Bangalore District directing the handing over of the pujari office of the temple to the alleged Barawardar Venkataramanachar displacing the present archak Ramachar and complaining of the unreasonable demand of compensation for payment to Venkataramanachar in case he is not allowed to join the office.

2 Similar petition of the same persons received with the Revenue Secretary's No. 120/Muz. 22-7-26

3 Appeal petition No. 20 of 25-26

Commissioner. It is further stated that Mr. Sahandy in his order of 5-9-13 Confirmed the previous Deputy Commissioner's order and directed the retiring archak Ramachar to have his claim settled in a Civil Court. This pimastha Ramachar is said to claim relationship to the Baramavadar's father as being his paternal Uncle's son. Mr. Subbaraya setty calculated the Compensation at Rs 757- on the data of the Cash grant of annas 14/- per month. The Amildar however recommended the Baramavadar being put in charge of the Archakship of the two temples since the Bhakthas would not come forward with reasonable Compensation and the deed executed by Ramachar in favour of Venkata-ramanasetty's father was not binding on Government and cannot be recognised

The Sub Division officer having sent up the Amildar's report with the records the Deputy Commissioner ordered on 4th November 1924 that according to the Alienation Regulation, if 75% of the devotees were not willing to take work from Venkataramanachar a reasonable Compensation may be fixed by the Sub Division officer and if this amount was not paid within 2 months, the charge of Archakship may be caused to be-

Officer wanted the Amildar to fix the Compensation and make a report within a week. The Amildar reported his inability to fix the Compensation since one party calculated on the basis grant of annas 14/- while the opposite party ie Banawandan Archak Computed the annual income at Rs 600/- He said that the capitalized value of Rs 75/- per annum ie half of the income of the inam village of Ramagondanhalli endowed to the Ramanathaswamy temple family represented the amount of Compensation to be deposited by the Vaisya Community. He further stated that if the Vaisyas did not accept this or similar decision, it was a matter for consideration as to how the order passed 18 years ago could be enforced and that the question whether Government cannot cut off the kasaka and resume the inam village may be considered. The Sub Division Officer having sent up the records, the Deputy Commissioner reiterated his order that the Sub Division Officer as Thasildar should fix the Compensation to be paid by the devotees if they want the removal of the archak and on failure to pay the archak annuity

be removed and the case of the
to hand over charge should be
His was in September 1925. The Amildar
having reported that the Konatipet
temple dewdeeks did not respond to the
notice while the Naganthapet temple Dharma-
dessi Venkatanathnaumsetty put in a
takkar petition, the Sub Division
Officer said in his order dated 14-11-26
that the takkar was untenable and
change of the temples should, as al-
ready ordered by the Deputy Commis-
sioner, be arranged to be given to
Venkataramanachar from Ramachar
The Amildar issued notice again
to the parties and heard them on
23-4-1926 when they repeated their
original ~~pleas~~ plea that they would pay
on the basis of the Cash grant of Rs 0-15-6
if the Brahmadeya established this
right while the Manager of the Nagar-
thapet institution said that the
present archak was appointed by
his father 30 years ago and he was
working satisfactorily and there
was no cause for Government inter-
ference.

On 27-5-1926 the Deputy Com-
missioner wrote to the Sub Division
Officer enquiring why his previous
orders Re Archakship of the two tem-
ples were not given effect to, thus
leading to the frequent complaints

having
been communicated of this order,
the City Sheikdar was instructed to
carry out the Deputy Commissioner's
order or have the archak's charge
given to Venkataramanachar.

When steps were taken to en-
force the order, the parties came up
in appeal to this office.

The case came on for hearing
on 22-2-1927. Archak Ramachar and
Venkataramanachar represented by
their respective Counsel and the Appel-
lants M.V. Subbaraya Setty and others on
behalf of the Doddpet-Temple and the
Dharmadarsis of the Nagarthapet-Temple
were present and heard.

Order No. R. Dis 147/26-27 Dated
Bangalore the 28/31st March 1927.

In a case like this when
the bulk of the devotees of the in-
stitution are alleged to be opposed
to the appointment of Venkata-
ramanachar, the mere fact that
his right was recognised so far
back as 1907 and the present offi-
ciator Ramachar has been appointed
a Gumastha does not seem to me to
be justification for upsetting an
arrangement equitable to the
majority of the devotees the principle

that the officiator should be acceptable to the majority of the devotees has been recognized in the Muzrai Regulation and it does not seem to be consistent with natural justice to force upon any community the services of an archak, they are not in favor of. The devotees are prepared to give reasonable compensation. The respondent Venkataramanachar cannot be deemed to have exercised due diligence in getting the order of 1907 executed and though he may have been kept out as the appellant has the support of a very wealthy section of people, I am not prepared to sanction his appointment at this lapse of time. The Deputy Commissioner is requested to make enquiries as to the total number of devotees in the temple, the number who are in favor of the appointment respectively of the two candidates and in case the majority are against Venkataramanachar who will be responsible to pay compensation to him for the loss of office. The records may be returned within 2 months time.

Sd/ P. G. d'Souza
Muzrai Commissioner.

Copy applied for by Mr. M. Narayanarao
Copy ready on 30-6-30.
Copy delivered on 30-6-30
No. of words 1440
Copying fee 1-14-0
Comparing fee 0-5-0
Paper 0-0-6
Copied by S. Narayanayya
Compared by Venkatramaiah

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE
NO .....
DATE .....
BANGALORE

TWO RUPEES ೨-೦-೦

In the ——— **Court of** the Government of His Highness the Maharaja of Mysore. Bangalore

No. **OF 1930 –193| .**

Appellant.

Arcot Venkatarama Char.

Vs.

Respondents.

1 Ramachar

2. Mr. K. Subbaraya Setty B.A. B.L. Advocate.

I, the appellant above named, do hereby nominate and appoint **Mr. M. NARAYANA RAO, M.A., B.L., Advocate,** in the above suit and do hereby empower the said **Advocate** to appear for and on my behalf in the above suit, to take all steps which may be necessary on my behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe his name to any document which he may deem proper, to execute any decree that may be passed in my favour and to receive out of the Court any refund of money which may be lodged or become payable or receivable on my behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit, to appoint one or more substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent in matters relating to the same and to act as fully and effectually to all intents and purposes as might do if personally present and did the same. And do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow, ratify and confirm whatsoever the said **Advocate** shall lawfuly do or cause or procure to be done by the virtue of these presents.

In witness whereof have hereunto set hand this day of 193 .

ACCEPTED.

ಆರ್ಕಾಟ್ ವೆಂಕಟರಮಣ ಚಾರ್ ಸ್ವ

Accepted Narayana Rao

Advocate for Appellant.

Signed before me by the executant who is known to me.

10/30

14 8-30 The Bangalore Press

Diary No. of letter replied to..... ....

General and Revenue Secretariat
( )
the *193*

Date of issue.....23-7-30..... ....

Signed by...Mv..... V.S Sastry . ....

List of enclosures. ... .

Copied by. ....

Examined by ....

Section Mng
File No. 14-30
Serial No. 2
No. 179/Secl

To

.... The... Mng... Commr.
in Mysore

Sir.

In forwarding herewith a petition dated 1.7.30 from Archak Venkataramanachar of the Sri Venkataramana Swamy temple, Komatipet Bangalore City appealing against the order passed by you in regard to the archakship of the said temple, I am directed to request you to submit

over

a report thereon and transmit
the Connected Records to Govt: Thereafter

I have etc

9.7.30.

For Financial Secy: to Govt

G Smith
8/7

Rajakaryapravina
P.G. D'Souza, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore.

In forwarding herewith a petition dated 1st July 1930 from Archak Venkataramanachar of the Sri Venkataramanaswam temple, Komatipet, Bangalore City appealing against the order passed by you in regard to the Archakship of the said temple, I am directed to request you to submit a report thereon and transmit the connected records to Government therewith.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Financial Department.

C.R.G.

Fair Aff. 22/7

No. 148 / Phiteffalis
30-87

FROM

Rajakaryapravina

P. G. D'SOUZA, ESQ., B.A., B.L.,

Muzrai Commissioner in Mysore.

To

[illegible]

SIR,

[illegible]

[illegible]

[illegible]

TWO RUPEES

~~In the Court of~~ Before the Government of His Highness the Maharaja of Mysore, Bangalore

Miscellaneous Appeal No. 41 of 1930—1931.

Appellant ~~*Plaintiff*~~		*Respondent* ~~*Defendants*~~
.....		.....
.....		.....
...Purjari Venkatavaramanachar	**Vs.**	Archika Ramachar and another.
.....		.....

1. ~~I~~ the 1st Respondent ...abovenamed do, by these presents, retain Mr. M. SRINIVASA RAO, B.A., LL.B., and Mr. ..... *Advocates* to appear and conduct the above case on ..... behalf to judgment.

2. ~~I~~ further empower them to do all necessary acts in the above case, to execute any decree or order that may be passed in ... behalf and to receive from the Court all documents, refunds, and all sums of money that ~~I~~ may be entitled to get and grant receipts thereof.

3. ~~I~~ also undertake to confirm and ratify all the acts done by the said Advocates or by any other Advocate on their behalf in so doing.

ಬೆಂಗಳೂರು ವಕೀಲರು

BANGALORE,
11th day of ..1930.

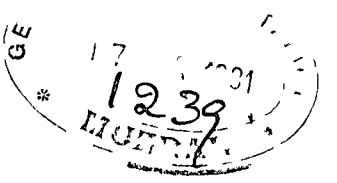
Accepted

M. Srinivasa Rao

Personally known to me and signed in my presence.

K S Narasimhachar

Advocates



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE
MAHARAJA OF MYSORE.
BANGALORE.

-:o:-

Muz. Appeal No:1/1930-1931.

-:ooo:-

Appellant:- VENKATARAMANACHAR.

-=:(VS):=-

Respondents:- K. SUBBARAYA CHETTY AND OTHER DEVOTEES.

****

M e m o.

The undersigned respectfully prays that before orders are pronounced in the above - appeal a reference may kindly be made to appeal Number 26 of 1917-1918 on the file of the Government of His Highness the Maharaja the Judgment wherein discussed the law and Procedure relating to Section 36 of the Muzarai Regulation.

Bangalore,
17th March 1931.

Advocate for Appellant.

Before the Government of His Highness the Maharaja of Mysore.

Muzrai Appeal No. 1 of 1930-31

Appellant.	Vs.	Respondents
Venkataramanachar		(1) Ramachar.
		(2) Mr. K. Subbaraya Chetty, B.A. LL.B., and other devotees of the Venkataramanaswami temple.

Subject.

Appeal against the order of the Muzrai Commissioner re the Archakship of the Sri Venkataramanaswami temple, Kumatipet, Bangalore City in Muzr Appeal case No. 421 of 1927-28 on his file.

The case was heard on 14th March 1931. The appellant was represe by Mr. B. Narayana Rao, B.A., B.L., advocate and the respondents by Mr. M Srinivasa Rao, B.A., LL.B., advocate. Messrs. K. Subbaraya Chetty and Ramachar, two of the respondents, were also present.

O r d e r .

There are no reasons to interfere with the orders passed by the Mu - rai Commissioner. The appeal is rejected.

Memo No. 2061/ dated, Bangalore, the 17th March 1931.

Muz 14-30-4 Copy of the above is forwarded with compliments to the Muzrai Com sioner returning the records received with his letter No. 148 of 1930- dated 15th August 1930.

By order,

Sd/- B. Srinivasa Iyengar,
Financial Secretary to Gover

GPE—500—12-8-31

P.T.O.

mo 0. ted, Bangalore, the 17th March 19[18]

Copy of the foregoing is forwarded to Mr. M. Narayana Rao, and M. Srinivasa Rao, Advocates, Bangalore City

By order,

V Subrahmanyasastri

Secretary to Government,
Financial Department.

7a
85

Before the Government of His Highness the Maharaja of Mysore.

Muz 3 Appeal No. 1 of 30 - 31

Appellant.	*Vs.*	Respondents
~~A Venkataramanachar of the Sri Venkataramana Swami temple Kumbapet Bangalore City.~~ Venkataramanachar		(1) Ramachar ~~Committee Archaka of the temple~~
		(2) Mr K. Subbaraya Chetty ~~Hindu~~ B.A/ Trustee of the Sri Venkataramana temple
Subject.		

Appeal against the order of the H.C. re: the Archakship of the Sri Venkataramana Swami temple - Kumbapet Bangalore City. in Muzrai Appeal Case No. 421 of 1927-28) on this file

The Case was heard on 14. 3. 31

The appellant was represented by Mr M. Narayana Rao M.A.B.L. Advocate & the respondents by Mr M. Srinivasa Rao B.A. B.L. Advocate. Messrs K. Subbaraya Chetty & Ramachar, two of the Respondents were also present.

Order

There are no reasons to interfere with the

GPB—1,000—8-8-11

Rejected.

2061/Jmg 14-30-4 Dated 18.3.1931

Copy to M.C. returning the records received with his letter No. 148/30-31 dt 15/18/30.

B.O

17.3.3

For Secy

2062-/Jmg Dtd 18-1931

Memos Copy to (1) Mr M. Narayana Rao, advocate

(2) Mr M. Srinivasa Rao, advocate

Bangalore City.

By Order

1-3-31

For Secy

98
173